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Report of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

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Report of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011

Summary

The present report is the second prepared by the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 for submission to the General Assembly pursuant to Assembly resolution 71/248 and paragraph 50 of the report of the Secretary-General on the implementation of the resolution establishing the Mechanism (A/71/755).

In the report, the Mechanism outlines the progress it has made regarding operational and policy priorities, including in relation to the collection of information and evidence and the building of case files; support to national justice systems; the development of internal strategies, policies and standard operating procedures; engagement with stakeholders; and administrative and financial matters.

It also sets out the steps it has taken to address key challenges identified during the previous reporting period, including strategies to deal with the significant volume and varied types of documentation on crimes committed in the Syrian Arab Republic, as well as progress towards transitioning to regular budget funding.

The Mechanism seeks the support of the United Nations, Member States and civil society in discharging its mandate and helping to ensure accountability for the most serious crimes committed in the Syrian Arab Republic.

I. Introduction

1. The present report is the second submitted to the General Assembly by the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The report covers the activities of the Mechanism during the period from 1 February to 31 July 2018.

2. In the six months covered by the present report, the Mechanism worked intently on transforming the vision presented in its first report (A/72/764) into reality. There were crucial developments in that period, chief among them being the operationalization of the Mechanism and the acceleration of its substantive work. With its secure and state-of-the-art evidence management system in place — as required in its terms of reference — the Mechanism's activities to collect information and evidence have progressed at a rapid pace. The Mechanism also developed a principled strategic framework to guide its collection of information and evidence and to advance its work on building case files in an efficient and coordinated way. The framework — or the Mechanism's structural investigation — is designed to maximize the Mechanism's positive impact on the accountability process and to promote integrated action to address, both now and in the future, crimes committed in the Syrian Arab Republic across multiple jurisdictions.

3. With its core infrastructure and technical systems are in place, the Mechanism has commenced building a comprehensive evidence collection designed to function as a central repository of materials concerning crimes in the Syrian Arab Republic. It is also developing its analytical work product to facilitate the use of the voluminous material collected for the purposes of criminal accountability and broader justice. The Mechanism is now prioritizing the allocation of its resources to its collection, processing and analytical work and expects that its capacity to assist national criminal justice actors with ongoing investigations and prosecutions will increase significantly in the coming months. In parallel, the Mechanism is advancing the first stage of its own work on building case files and expects to open two or more specific case files before the end of 2018.

4. The commencement of the Mechanism's substantive work has been reinforced by the further development of internal strategies, policies and standard operating procedures, designed to ensure security, efficiency and quality control. Several examples are highlighted in the present report, including the Mechanism's procedures for data management and for responding to the growing number of requests for assistance received from national criminal justice actors. In addition, the Mechanism has continued to develop thematic frameworks, including proactive strategies for addressing sexual and gender-based violence, as a core part of its work.

5. The operational advances have been supported by the Mechanism's sustained engagement with the broad range of stakeholders and other interlocutors essential to the success of its work. The Mechanism acknowledges the challenging operating environment in which Syrian civil society has been working, including during the reporting period. Given the demands faced on the ground and the depth of the humanitarian issues confronted, efforts to nevertheless advance the accountability process through genuine cooperation with the Mechanism are especially commendable.

6. The Mechanism continues to function in a complex international environment, in which it faces both challenges and opportunities and which has implications for its resource requirements. The Mechanism is working on implementing innovative and cost-effective solutions to advance its work and maximize its impact. The Mechanism is fast-tracking its strategic thinking in that regard to inform planning for the regular budget proposal to be submitted for the 2020 budget cycle. In the meantime, the

Mechanism expresses its appreciation for the funding it has received to date, which has facilitated the crucial advancements outlined in the present report.

II. Collection of information and evidence and first phase of building case files

7. The Mechanism has commenced building its broad evidence collection concerning crimes committed in the Syrian Arab Republic. At the time of writing, the Mechanism had collected around 4 terabytes of data consisting of almost 900,000 records.

8. The Mechanism's approach to collection is informed first and foremost by the parameters of its structural investigation. Specifically, the Mechanism is collecting the information and evidence needed to map crime patterns, examine the contextual elements of core international crimes and understand the links between crimes and individuals, ranging from direct physical perpetrators to perpetrators wielding power and authority over the events. The Mechanism's approach to collection is also informed by the requests for assistance received, or anticipated, from national prosecution authorities. To that end, the Mechanism is, where possible, prioritizing the collection of material most likely to assist ongoing national criminal justice processes, on the basis of the information or requests received from those jurisdictions. Such material, in turn, is a valuable source of information for the Mechanism's structural investigation.

9. With the two afore-mentioned collection objectives in mind, the Mechanism has focused on the acquisition of material held by other documenting entities that is known to be of high value and of material not previously accessed by others documenting crimes concerning the Syrian Arab Republic or for which there is otherwise a pressing preservation need. Collection plans to date have included a significant focus on material from the Independent International Commission of Inquiry on the Syrian Arab Republic,[1] on the basis of the memorandum of understanding concluded between the two entities in March 2018 (see para. 42 below).

10. While it is appropriate and consistent with the Mechanism's terms of reference to prioritize material collected by others, there may be omissions or limitations in that material. For example, it is necessary to determine whether existing documentation accurately records the harms experienced by certain categories of victims at risk of being overlooked, including women, girls, boys, disabled persons and persons of diverse sexual orientation, gender identity and/or sex characteristics. Due attention also needs to be paid to sexual violence crimes committed against males and to ensuring balanced representation of crimes committed by all sides.

11. The Mechanism sees great scope for its collection of evidence becoming a comprehensive central repository of evidence concerning crimes committed in the Syrian Arab Republic. This is feasible given the Mechanism's broad mandate, dedicated focus on the Syrian situation and its capacity to access material from a wide range of sources, including from within the United Nations system. Consistent with its central repository objective, the Mechanism is exploring technical strategies to facilitate and maximize direct access for authorized justice actors to portions of its evidence collection not affected by confidentiality restrictions.

[1] The Commission was established on 23 August 2011 by the Human Rights Council to investigate alleged violations of international human rights law since March 2011. The Commission focuses on directly collecting information, publicly reporting broad patterns of violations, abuses and emblematic incidents and making recommendations, in particular to Member States.

12. In terms of methodology, the Mechanism commenced by articulating the objectives to be achieved by its structural investigation as part of the principles guiding its strategy for collecting information and evidence and building cases. The objectives were made operational through the development of overarching factual questions that provide the framework for the structural investigation. The questions are informed by the contextual elements of core international crimes and modes of liability that are likely to feature across the specific case files that the Mechanism will develop, as well as by the broader contextual considerations that are necessary to accurately understand the events in the Syrian Arab Republic. The Mechanism is working towards acquiring existing material held by others that is relevant to the identified factual questions and towards identifying new sources of information and evidence to fill already obvious gaps.

13. On the basis of those questions, the Mechanism has developed an information and evidence tagging system to process the material it acquires. The tags include categories relevant to broader transitional justice objectives, such as the search for missing persons, in order to maximize the value of the Mechanism's evidence collection for affected communities.

14. With the commencement of the its structural investigation and the associated building of its evidence collection, the Mechanism is increasingly positioned to assist with ongoing national investigations. Its capacity to assist will accelerate rapidly as its evidence collection and associated analytical work grows in the coming months. At the same time, the structural investigation marks an important and necessary first step in the development of Mechanism's case files.

15. International criminal justice processes arising from protracted and complex conflicts require the investment of time and resources at the outset to develop a broad and contextual understanding of the crime patterns of the conflict(s) and the structures or other enabling factors underpinning them. The need for a broad, contextual understanding of the Syrian situation underlies the Mechanism's structural investigation which, in turn, advances the building of case files in three ways. First, it provides a principled foundation for the Mechanism to exercise discretion — independently and impartially — about which cases to build. The volume of alleged crimes and number of potential perpetrators mean it is not possible for the Mechanism to build case files addressing all crimes in the Syrian Arab Republic since March 2011. Rather than proceed in a reactionary way on the basis of the first available, or most easily accessible, information, the structural investigation permits informed choices about where to focus the Mechanism's resources for building case files.

16. Second, the structural investigation promotes consistency of approach across the case files that the Mechanism is developing. Many of the key factual questions answered as part of the structural investigation will potentially constitute cross-cutting material facts in the case files, including material facts concerning any contextual elements proved on the evidence, such as the existence and nature of armed conflicts (for war crimes charges) and/or widespread or systematic attacks (for crimes against humanity charges). It also includes material facts concerning theories of individual responsibility, such as command structures (for superior responsibility) and joint action resulting in the commission of crimes (for co-perpetration). Past experiences of international justice processes confirm the importance of ensuring consistent positions on such material facts across related case files.

17. Third, the structural investigation facilitates efficiencies in the building of case files since conclusions and associated evidence concerning cross-cutting material facts established during the structural investigation can be directly and simultaneously imported into numerous individual case files.

18. The Mechanism anticipates that it will be able to open two or more individual case files before the end of 2018, drawing on the initial results of the structural investigation. At the same time, it will continue to develop its structural investigation, ensuring that deepening factual analysis is used to further inform the content of specific case files as needed.

19. The Mechanism's selection of specific case files is being guided by the principles referred to in its first report and developed at the commencement of the reporting period (see A/72/764, para. 4). On the basis of the results of the structural investigation, case selection will reflect a range of factors, including the gravity of crimes; the level and type of alleged perpetrator; crime categories emblematic of the events in the Syrian Arab Republic; balanced representation of crimes committed against victims on all sides of the events; a fair representation of harms experienced by men, women, girls and boys; crime categories and culpable acts or omissions that sustain the ongoing commission of crimes; and complementarity with case files developed by other actors, including national authorities and civil society. Overall, the Mechanism's building of case files will reflect the victim-centred approach described in its first report (ibid., paras. 4 and 22).

III. Support to national justice systems

20. As part of its structural investigation, and as the foundation of its case files, the Mechanism is building a comprehensive collection of evidence and creating an associated analytical work product concerning crimes committed in the Syrian Arab Republic. The Mechanism is also ensuring that these growing resources can be made available rapidly to assist national prosecution authorities, consistent with the terms of its mandate (see A/71/755, annex, paras. 13–17). This is being done in two ways.

21. First, the Mechanism has developed a process whereby national prosecution authorities can submit to it requests for assistance. To date, the Mechanism has received seven requests from three national prosecution authorities. Currently, the focus of the requests is on receiving information and evidence. In the coming period, the Mechanism will expand this process to also include access to the analytical work product that it has developed.

22. To effectively handle the requests already received and the large volume of anticipated future requests, the Mechanism has dedicated a section of its operations specifically to dealing with requests for assistance from national jurisdictions and is finalizing the policies and standard operating procedures for processing these requests (see section IV below). A current priority for the Mechanism is to ensure that the increasingly large volume of material it acquires can be searched effectively to locate material in response to the requests received. This time-consuming work includes the allocation of substantial resources to implement rigorous processes for tagging and metadata creation. Relevant material identified through the Mechanism's search process is then reviewed to ascertain whether it is subject to any confidentiality or other restrictions and, accordingly, whether and on what conditions it can be shared with the requesting entity. While the Mechanism is already in a position to search its existing evidence collection in response to incoming requests for material, its capacity to assist is expected to expand rapidly in the coming months as its information and evidence collection and processing activities progress.

23. Second, the Mechanism will proactively share material if it becomes aware of any within its evidence collection that would likely be of assistance to an ongoing investigation or prosecution in an identified national jurisdiction. The Mechanism's ability to do so depends on the extent to which it receives information from national jurisdictions about the parameters of ongoing investigations and prosecutions. The

Mechanism continues to engage in dialogue with national prosecution authorities to maximize the information it acquires and, consequently, its capacity to reach out proactively to national systems.

IV. Development of internal strategies, policies and standard operating procedures

24. After entering into its operational phase during the reporting period, the Mechanism intensified its work on the internal strategies, policies and standard operating procedures required to ensure security, efficiency and quality control for its substantive work.

25. The development of templates and standard operating procedures in relation to the Mechanism's information and evidence collection activities has formed a significant part of that work. Given that its innovative mandate and that documentation within the Syrian context is diverse, disparate and voluminous, the Mechanism is developing standard operating procedures that can adapt to the unique circumstances of international evidentiary obligations. The process includes embedding data protection into the Mechanism's collection, preservation and bulk processing operations, and pursuing cost-effective, light-weight technical collection strategies. One of the first assets acquired by the Mechanism was an end-to-end information and evidence management system. By establishing how information flows through the Mechanism securely and confidentially, it has now integrated standard operating procedures across its team, in order to avoid redundancy in data entry and ensure efficient and available translations, that there are no isolated repositories; and that the governance of information is centralized and fully audited. Work on standard operating procedures will continue to be a priority in the coming period as the Mechanism's collection activities expand in both number and scope.

26. Another significant focus has been the development of a procedural and operational framework for processing requests for assistance from national prosecution authorities seeking access to materials in the Mechanism's evidence collection. The Mechanism has developed a template to guide requests for assistance, which has been widely circulated among national war crimes units actively working on crimes committed in the Syrian Arab Republic. In parallel, the Mechanism has developed internal standard operating procedures for receiving and responding to requests, designed to integrate all necessary confidentiality and other safeguards, ensure consistency and maximize its capacity to provide useful and timely responses. The Mechanism is also in the process of refining its overall policy on requests for assistance, which will further clarify its parameters for sharing information and evidence.

27. Regarding gender issues, the Mechanism has been developing strategies to integrate effective approaches to addressing sexual and gender-based violence, and gender issues more broadly, as a core part of its work. Specifically, the Mechanism held a dynamic office-wide discussion on gender to facilitate and encourage internal engagement on the topic, which sparked dialogue on how best to develop gender-responsive working practices in the Mechanism's office environment and as part of its substantive work, recognizing the critical links between the two. Attention also focused on how best to address sexual and gender-based violence, within the Mechanism's operations, as mandated in its terms of reference (see A/71/755, paras. 19 and 32). The views gathered during that process have informed the Mechanism's articulation of the compulsory standards and values foundational to its organizational and operational culture. Training initiatives are being planned as the next stage of the Mechanism's gender strategy development. The initiatives focus on

deepening the practical understanding of all staff members of why gender matters in the practice of international criminal law and how attention to gender issues can particularly affect the success of accountability processes.

28. A further example of the Mechanism's strategy development concerns outreach to stakeholders. With the recruitment of an External Relations Officer during the reporting period, the Mechanism has advanced its work on a comprehensive outreach strategy designed to raise awareness about its mandate and to build support for its work through positive engagement with stakeholders, expectation management and correcting prevalent misconceptions. The outreach strategy addresses the Mechanism's overarching communication objectives and priorities, as well as the challenges it faces and actions required to promote effective exchanges with its target audiences. The outreach strategy will be regularly re-evaluated to account for the evolution of the Mechanism's work and the views of key stakeholders. As with all its work, the Mechanism's outreach strategy is guided by a victim-centred approach. In the coming period, the Mechanism will intensify its efforts to foster effective engagement with victim communities to further inform its approach.

V. Constructive engagement with a broad range of stakeholders and interlocutors

A. Civil society

29. The Mechanism continues to engage extensively with civil society, including with Syrian and international non-governmental organizations (NGOs).

30. The Mechanism acknowledges the intensely difficult circumstances under which Syrian civil society has operated during the reporting period, given the urgent needs of the communities it seeks to assist. In addition, the disillusionment of affected communities regarding accountability issues presents ongoing challenges for the work of both civil society and the Mechanism. In particular, the Mechanism acknowledges the impressive efforts undertaken by many civil society actors, despite such circumstances and the immense pressure arising from the realities on the ground, to cooperate with the Mechanism and to stay focused on the long-term goal of accountability.

31. Recognizing the fundamental role played by civil society in documenting crimes committed in the Syrian Arab Republic and the important contribution it can make to justice processes, the Mechanism has prioritized its follow-up to the civil society contributor surveys developed in the previous reporting period. The surveys were designed to elicit from civil society actors information regarding the type, quantity, format and content of material they hold that is relevant to the Mechanism's mandate. The surveys were distributed to some 50 organizations and the results are being collated to give the Mechanism an overview of the material in their possession. The results are informing further strategic planning for building the Mechanism's evidence collection.

32. In line with its commitment to ensuring two-way communication, in particular with Syrian civil society organizations, the Mechanism is engaging with them bilaterally and in group settings. On 4 April 2018, the Mechanism held a third meeting with Syrian civil society organizations as part of the twice-yearly meeting platform in Lausanne, Switzerland. Discussions with the 28 participating organizations allowed for a frank and fruitful exchange, including an opportunity for participants to obtain clarification about the Mechanism's approach to key aspects of its mandate. The Mechanism also presented some of the principles guiding its approach to sexual

and gender-based crimes. Prior to the meeting, a protocol of collaboration[2] was signed by the Mechanism and 28 NGOs, outlining the overarching principles to guide their engagement. It is aimed at promoting mutual understanding regarding opportunities for collaboration, to further the parties' common goal of ensuring accountability for the crimes committed in the Syrian Arab Republic. The principles outlined in the protocol provide a general framework for cooperation that could extend to other NGOs willing to collaborate with the Mechanism in the future.

33. The Mechanism is intensifying its one-on-one consultations with civil society representatives in relation to specific operational issues and thematic areas of interest to its work. Discussions so far have addressed numerous priorities, including specific categories of crimes, such as sexual and gender-based violence and the use of chemical weapons. The Mechanism is also engaging with NGOs that are working on building case files and on victim's representation in proceedings before national jurisdictions, with a view to learning from past experiences and maximizing coordination opportunities, consistent with the terms of the Mechanism's mandate.

34. The Mechanism is also consulting with NGOs, in particular Syrian civil society, concerning the work being done to document ongoing crimes committed in the Syrian Arab Republic.

B. National war crimes units

35. During the reporting period, the Mechanism continued and expanded its constructive engagement with the war crimes units of various States. Bilateral discussions were held with eight jurisdictions that are currently investigating and/or prosecuting crimes committed in the Syrian Arab Republic. The Mechanism maintains dialogue with the relevant authorities in the jurisdictions, including at the technical level, to develop an understanding of current needs and to identify avenues for assisting national actors to address the crimes in question. The Mechanism has received, and is currently processing, seven requests for information or evidence from national war crimes units. The Mechanism is actively developing strategies to further broaden its bilateral engagement with national war crimes units in the coming period.

36. As part of its outreach to national prosecution authorities, the Mechanism is continuing its engagement with the European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes, known as the Genocide Network, hosted by Eurojust in The Hague. Building on consultations held in 2017, the Mechanism took part in a workshop on 23 May in The Hague to discuss its work with members of the Genocide Network. Attended by representatives from 20 national prosecution authorities and law enforcement agencies, the discussions provided a valuable opportunity for the Mechanism to engage directly with national practitioners actively involved in addressing crimes committed in the Syrian Arab Republic. The discussions focused on deepening participants' understanding of the Mechanism's mandate and work and on exploring the possibilities for coordination between the Mechanism and national prosecution authorities, including standardizing working methods among relevant actors. The Mechanism also took part in the Genocide Network's regular meeting sessions, benefiting from the in-depth discussions on national investigative and prosecutorial experiences concerning the Syrian situation.

37. In parallel to its engagement with the Genocide Network, the Mechanism is also engaging with Eurojust more broadly and exploring options for participating in coordination meetings and activities facilitated by Eurojust regarding the

[2] The protocol is available at https://iiim.un.org/engagement-with-stakeholders/.

investigation of crimes committed in the Syrian Arab Republic. The Mechanism is also continuing to liaise with Europol to explore possible forms of cooperation and coordination, given the synergies in their respective mandates.

C. States

38. In addition to engaging with national war crimes units, the Mechanism has engaged more broadly with States in three main ways.

39. First, the Mechanism is consulting with States about any formal frameworks needed to enable a broad range of cooperation with the Mechanism, including sharing information, evidence and support on witness protection issues. A spectrum of scenarios has emerged from the consultations. Some States have identified the need for legislative enactments to provide the basis for cooperation and some are already well advanced in that respect. Some have indicated an ability to cooperate with the Mechanism without any further formal processes, while others have indicated the need for measures that fall short of new legislation, such as the conclusion of a memorandum of understanding. The Mechanism is actively working with States to ensure they have the necessary information to proceed expeditiously regardless of which scenario applies. Throughout that process, the Mechanism is putting in place appropriate measures to deal with any confidentiality considerations that may arise in relation to material shared with the Mechanism.

40. Second, pending the adoption of any necessary legal frameworks, the Mechanism has already commenced the process of reaching out to a number of States that are likely to hold information and evidence relevant to the Mechanism's work. While attempts to reach out to Syrian authorities have so far been unsuccessful, the Mechanism is firmly committed to obtaining information and evidence of crimes committed on all sides, including those against the victims who are the most difficult to reach given the lack of access to the territory of the Syrian Arab Republic. To that end, the Mechanism welcomes all initiatives from States to provide it with relevant information and evidence of crimes.

41. Third, the Mechanism is prioritizing broader engagement with countries in the Middle East, particularly those bordering the Syrian Arab Republic that host large numbers of Syrian refugees. The Mechanism understands the need to build trust with relevant authorities in these countries, with a view to promoting the fruitful cooperation required to facilitate the successful implementation of its mandate.

D. United Nations entities

42. The Mechanism has continued to engage with United Nations bodies with mandates relevant to the Mechanism's work. Most significantly, in March 2018, the Mechanism concluded a memorandum of understanding regarding the provision of information and evidence by the Independent International Commission of Inquiry on the Syrian Arab Republic. The Commission has confirmed that, pursuant to that memorandum, the Mechanism has access to the vast majority of the material collected by the Commission over the past seven years. Procedures are also in place for the Mechanism to receive periodic instalments of material collected in the future. The material received from the Commission is being reviewed and tagged within the *framework of the Mechanism's structural investigation*.

43. Following the non-renewal of the mandate of the Organisation for the Prohibition of Chemical Weapons (OPCW)-United Nations Joint Investigative Mechanism in November 2017, the Mechanism has been exploring available means

for accessing its material. So far, the Mechanism has been able to obtain a limited amount of such material. Consultations are ongoing with respect to the provision of information classified as confidential.

44. The Mechanism has also coordinated efforts with the Operational Satellite Application Programme of the United Nations Institute for Training and Research for the acquisition of material including georeferenced data, satellite imagery and mapping. Such material is key to supporting the Mechanism's analytical activities, including in relation to its structural investigation, and to responding to the requests for assistance from national prosecution authorities.

E. Organisation for the Prohibition of Chemical Weapons

45. The Mechanism has been exploring the options for gaining access to relevant materials from the OPCW fact-finding mission. While the Mechanism has not yet obtained access to such materials, the Conference of the States Parties of the OPCW, through a decision on 27 June 2018, instructed the OPCW secretariat to preserve and provide information to the Mechanism.[3] Following that decision, the Mechanism has been liaising with OPCW officials regarding its implementation.

F. Technology companies

46. Given the unprecedented volume of potentially relevant information concerning events in the Syrian Arab Republic being generated on social media, the Mechanism has commenced focused engagement with relevant technology companies to explore possible frameworks for cooperation. Strategies to preserve material for accountability processes are a pressing priority, although the Mechanism recognizes the need for social media providers to ensure that their sites comply with community standards. In the coming period, the Mechanism will intensify its discussions with technical experts on creative approaches to gathering and analysing the massive amount of video material relevant to the Mechanism's work.

G. Consultations on two thematic issues raised in the first report

1. Gender

47. The Mechanism has conducted specific consultations with Syrian women leaders, as well as civil society actors and NGOs involved in gender-related work concerning the Syrian Arab Republic. Through the consultations, the Mechanism has gained a deeper understanding of the priorities and wishes of victims of sexual and gender-based violations and of the importance of ensuring that consultations are conducted in a culturally sensitive manner. They have also served to highlight the specific challenges to pursuing accountability for gender-based harm arising in the Syrian context and constitute an important first step for the Mechanism in developing a proactive strategy to address sexual and gender-based violence as a core part of its work. The Mechanism also participated in expert meetings, workshops and consultations on gender, organized by United Nations entities and other partners with gender expertise.

[3] The decision on addressing the threat from chemical weapons use, adopted on 27 June 2018 by the OPCW Conference of the States Parties of the OPCW at its Fourth Special Session, is available at https://www.opcw.org/fileadmin/OPCW/CSP/C-SS-4/en/css4dec3_e_.doc.pdf.

2. Broader transitional justice objectives

48. The Mechanism seeks to assist broader transitional justice objectives, including the search for persons reported missing as a result of events in the Syrian Arab Republic. This accords with the report of the Secretary-General in which he stated that criminal accountability was an element of a broad transitional justice approach for the Syrian Arab Republic that included truth-seeking processes, reparations and reforms of institutions and laws (see A/71/755, para. 7). To that end, the Mechanism has consulted with entities involved in work on missing persons, so that it can integrate relevant insights into its work from an early stage. For example, the Mechanism's information and evidence tagging system now includes tags relevant to the search for missing persons, to ensure that such information can be easily retrieved as a thematic category (Ibid., para. 13). The Mechanism is also creating metadata for the material in its evidence collection to facilitate that process.

VI. A functional, longer-term operating environment

49. During the reporting period, the Mechanism continued its consultations with officials from the United Nations Office in Geneva to identify a longer-term accommodation option that would offer the space, security and other operational features required for its work. With some lateral thinking by all parties, a suitable and cost-effective location was identified and the Mechanism is working with officials from the Office to agree on a relocation date later in 2018. The Mechanism expresses its appreciation to all who worked proactively on identifying and implementing a suitable longer-term solution for the Mechanism.

50. As mentioned above, the Mechanism has also made crucial advances in building the comprehensive, secure and effective information technology infrastructure needed to house its evidence collection in the longer term. With full support by all elements of the United Nations, most notably in the Procurement and Transportation Section of the United Nations Office in Geneva, the Mechanism completed a rapid procurement plan to acquire an end-to-end integrated information, source, tasking, analysis, and evidence management system, while at the same time implementing a comprehensive information governance and data protection strategy. The Mechanism maintains its information within a data centre accredited with the International Organization for Standardization (ISO), ISO 27001, which is subject to regular auditing of procedures and practices; Service Organization Control (SOC) 2 reporting; and innovative incident response that assesses and mitigates both physical and information security events. While recognizing that no software solution can replace the need for vigilance and the top-down managerial prioritization of information as a core asset of operations, the Mechanism has established a viable foundation in technology and governance to provide for future cost-effective innovation in rapidly identifying, reviewing and analysing critical information.

VII. Recruitment and a staffing structure to support the collection of evidence and the building of case files

51. As its substantive work advances, the Mechanism continues to refine its internal organization chart to more effectively meet its needs with regard to crystallizing its evidence collection and building case files. The Mechanism is committed to a lean and efficient staffing structure that incorporates expertise from the Middle East region and, in turn, builds the capacity of professionals from that region to participate in future international justice processes. During the reporting period, the Mechanism adopted two specific strategies designed to further those objectives.

52. First, the Mechanism has adopted a policy of "double-hatting" staff members across multiple functions to promote both efficiency and, crucially, effective integration of aspects of its work related to collection/investigation and the building of case files. Pursuant to that arrangement, several members of the Executive Office also work within the substantive team and several members of the substantive team perform dual functions across the team.

53. In particular, for the first phase of the structural investigation, the Mechanism's senior management team will have direct oversight of the collection and analytical work done by the Mechanism's investigators, analysts and lawyers. That structure will promote the effective integration of the collection and analytical components of both the structural investigation and the first phase of building case files. Under the direction of senior management, legal officers will play a crucial role in coordinating the day-to-day analytical and investigative work underpinning the structural investigation and the building of case files. It is envisaged that the Mechanism will revisit that structure once its working methods have been established and refined and the building of case files begins to accelerate. In general, most staff members take on dual or multiple roles within the substantive team, performing tasks within their assigned professional categories while also contributing expertise on thematic and other issues, including expertise on sexual and gender-based violence.

54. The second strategy adopted during the reporting period is to recruit multiple Arabic-speaking assistant analysts to work under the supervision and mentorship of the Mechanism's senior analysts. The first group of assistant analysts is expected to join the team early in the next reporting period. The strategy has the benefit of dramatically increasing the Mechanism's in-house Arabic-speaking and analytical capacities while simultaneously providing training opportunities on international justice for junior professionals from the Middle East.

55. Throughout the reporting period the Mechanism continued to increase its staffing numbers in key professional categories. At the end of July, the Mechanism had 20 staff members.

VIII. Influence of evolving external factors on the work of the Mechanism

A. Volume and types of documentation of crimes in the Syrian Arab Republic collected by others and associated storage costs

56. The Mechanism has been working with many of its interlocutors to assess the overall data landscape concerning the types of documentation available on crimes committed in the Syrian Arab Republic. The NGO surveys in that regard have been an important vehicle for understanding the overall data complexity regarding the types of available documentation, moving past hypothesis to reality. Almost all data types, including hard copies of documents, digital records, databases, images and videos, number in the millions or tens of millions. Adding further complication is the significant volume of duplicate and near-duplicate material, as many entities have been collecting similar material and exchanging material among themselves. Moreover, merging and collating both the unstructured data (such as hard copies and video) with the voluminous structured material requires the normalization of alternative spellings and transliteration of Arabic text. Reviewing and analysing much of the material will be painstaking, laborious and only efficiently done by fluent Arabic analysts. That growing clarity about resource requirements is now being factored into the Mechanism's resource planning.

B. Allegations of ongoing crimes in the Syrian Arab Republic

57. At the time the Mechanism was established, there was significant focus on ensuring that it would have access to the extensive documentation already collected by other actors of past crimes stemming back to March 2011. Since then, the events in the Syrian Arab Republic have underscored the pressing imperative for the Mechanism to also address the voluminous allegations of ongoing crimes. The Mechanism has therefore been developing a strategy to support the real-time investigation of crimes and to harness the additional coordination opportunities that exist with other relevant actors concerning that category of crimes. This, in turn, has resource implications for the Mechanism beyond those originally envisaged by its start-up team.

C. Increasing requirements for work concerning chemical weapons allegations

58. Alleged crimes involving the use of chemical weapons form part of the Mechanism's strategies to address both past and ongoing crimes in the Syrian Arab Republic. Addressing chemical weapons allegations within a criminal law framework requires the Mechanism to develop specialized approaches and technical capabilities. It also demands specific efforts to coordinate the Mechanism's work with other relevant actors, within the limits of the independence and impartiality imperatives of its mandate.

59. At the same time, there have been challenges for the Mechanism in gaining access to materials concerning chemical weapons usage already collected by others. Following the required consultation process, the Mechanism has so far been able to obtain a limited amount of material from the OPCW-United Nations Joint Investigative Mechanism and efforts continue to gain additional access. Furthermore, as already noted, avenues for the Mechanism to obtain access to relevant materials from the OPCW fact-finding mission have recently opened up. The international framework for attributing chemical weapons usage to groups or entities has also been in a state of flux, particularly with the non-renewal of the Joint Investigative Mechanism's mandate after November 2017. The recent OPCW decision (see para. 45 above) introduces a new element to the mandate of the OPCW regarding attribution of chemical weapon attacks. The Mechanism is now factoring this new development into its strategy on chemical weapons.

60. While accessing material on chemical weapons usage already collected by others is an important starting point, the Mechanism's work on this issue requires multiple further layers, reflecting the criminal law standards and methodologies that it applies. It must make its own assessment of the inferences to be drawn from the material collected by others, applying criminal law standards of proof. It must also consider whether responsibility can be attributed, not just to groups or entities, but to individuals, which requires the identification of specific evidence of such a link, which has not necessarily been the focus of work by others to date.

61. All the above-mentioned factors have resource implications for the Mechanism's work.

IX. Progress in the transition to regular budget funding

62. Following the call by the General Assembly, in paragraph 35 of resolution 72/191, for the Secretary-General to include necessary funding for the Mechanism in his next budget proposal, the Mechanism has been working with United Nations

budget officials to prepare a draft budget. It has made significant progress in developing the narrative and deliverables to frame its funding request.

63. It is clear that the Mechanism's resource requirements for 2020 will exceed the approximately $14 million estimated for 2018, which is to be expected given the operationalization of the Mechanism and the impact of emerging factors, such as those described in the section VIII above. It is only recently, for example, that significantly more detailed information has become known about the volume and complexity of the material in question and the cost of the state-of-the-art evidence management systems that the Mechanism is mandated to employ. It is now clear that, to cover those costs, several million dollars will be required annually in addition to the original budget estimates. Other strategic decisions, such as embedding a number of Arabic-speaking assistant analysts into the team, will also have an impact on costs, but represent an essential investment for the reasons given above.

64. Despite the many challenges, the Mechanism is working to keep its budget submission for 2020 within reasonable limits and to adopt strategies that will maximize returns on the investment of funds from United Nations Member States in the accountability process for the Syrian Arab Republic.

X. Supporting the Mechanism's work

65. Moving forward, the Mechanism seeks the following support to maximize the positive impact of its work:

(a) Assistance from the United Nations system:

(i) To approve the regular budget funding requested by the Mechanism for the 2020 budget cycle onwards;

(ii) To continue providing the necessary support to facilitate the Mechanism's move to its longer-term premises;

(iii) To ensure that the Mechanism has maximum access to materials held within the United Nations system concerning crimes in the Syrian Arab Republic;

(iv) To ensure that relevant United Nations agencies coordinate and cooperate with the Mechanism as appropriate in accordance with their mandates;

(v) To ensure that other initiatives within the United Nations system involving the documentation of crimes connected with the Syrian Arab Republic take into account the Mechanism's mandate and emphasize the importance of support for, and complementarity with, the Mechanism's work;

(b) Assistance from States:

(i) To commit, until the Mechanism receives sufficient regular budget funding, extrabudgetary funding to ensure that the Mechanism can operate at its budgeted level;

(ii) To ensure that any changes to national legislative frameworks required to facilitate cooperation or other engagement with the Mechanism are made swiftly and effectively;

(iii) To share relevant evidentiary and other material about international crimes committed in the Syrian Arab Republic, including material previously provided to the Joint Investigative Mechanism;

(iv) To ensure that efficient and effective procedures are in place to facilitate access to their territories by the Mechanism when required for its work;

(v) For States hosting Syrian refugee communities, to provide information and facilitate introductions for the Mechanism with domestic agencies and local actors that are relevant to the Mechanism's work;

(vi) To ensure that any initiatives generated concerning the documentation of crimes connected with the Syrian Arab Republic take into account the Mechanism's mandate and emphasize the importance of support for, and complementarity with, the Mechanism's work;

(vii) To consider entering into cooperative agreements with the Mechanism to provide witness protection and support services in connection with the Mechanism's work;

(viii) To promote, in the context of donor funding decisions for civil society, coordination with, and assistance to, the Mechanism by civil society.

(c) Assistance from civil society:

(i) To ensure that the Mechanism has timely access to all relevant material to facilitate the accountability process and, to that end, to work towards transferring presently available material to the Mechanism;

(ii) To constructively engage with the Mechanism regarding coordination strategies concerning documentation work, particularly regarding ongoing crimes in the Syrian Arab Republic;

(iii) To assist the Mechanism in reaching out to victim communities and to promote an understanding among those communities of the Mechanism's mandate and work.

XI. Conclusion

66. With its core infrastructure, technical systems and longer-term accommodation arrangements now in place, the Mechanism will focus in the coming period on building its team to full capacity and further boosting its work on collecting information and evidence and on building case files. It will continue to refine its strategies and operating procedures, also taking into account the initial feedback solicited from key interlocutors. The Mechanism sees continued engagement with civil society, alongside sustained dialogue with relevant national criminal justice actors, as an essential part of that process.

67. In the light of the meaningful progress already made in implementing the vision set out in its mandate and first report, the Mechanism emphasizes the importance of continued support from the United Nations, States and civil society to ensure the sustainability of its work. The Mechanism is grateful to all States that have contributed financially to the operationalization of the Mechanism through their voluntary contributions.

68. The Mechanism's foremost priority is securing adequate regular budget funding from 2020 onwards. Its work in building a comprehensive collection of evidence, undertaking its strategically designed structural investigation and channelling the results into specific criminal case files promises to be of significant value, regardless of what accountability pathways emerge in the future. The Mechanism remains committed to expeditiously advancing the considerable preparatory work needed to support a comprehensive accountability process, for the benefit of all the affected communities in the Syrian Arab Republic.